

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-CV-11457-GAO

MITCHELL KENNEDY and)
MICHELLE KENNEDY, as mother)
And next friend of DYLAN KENNEDY)
Plaintiffs,)
Vs.)
TOWN OF BILLERICA, DANIEL C.)
ROSA, JR., Individually and as Chief of)
the Billerica Police Department,)
STEVEN ELMORE, ROBERT T.)
MORAN, JR., JEFFREY C. STRUNK,)
GLEN MAGNAN, WILLIAM)
MACDONALD, and JOHN DOE)
Defendants.)

MOTION TO ADMIT POLICE REPORTS

Defendants hereby move to admit various police reports at the trial of the above-captioned matter. As grounds, the defendants state as follows:

Defendants seek to introduce as evidence in this civil trial a number of police reports. Police reports are considered "public records" exempt from the hearsay rule by operation of Fed. R. Evid. 803(8). *See Parsons v. Honeywell, Inc.*, 929 F.2d 901, 907 (2nd Cir. 1991)(“It is well established that entries in a police report which result from the officer’s own observations and knowledge may be admitted[.]”) cited with approval in *Bolduc v. United States*, 265 F.Supp.2d 153, 164 (2003)(Saris, J.). *See also Flanagan v. Grant*, 897 F.Supp. 637, 641 (1995)(noting that police report is admissible as non-hearsay under Rule 803(8) and further that “an admission of a party-opponent contained therein is not hearsay. F.R.E. 801(d)(2).”).

For all of the foregoing reasons, the defendants request that they be permitted to introduce these highly relevant police reports, each of which sets forth “the activities of

the [police department]" about "matters observed pursuant to duty imposed by law[.]"
Fed.R.Evid. 803(8).

Respectfully submitted,
DEFENDANTS,
By their attorneys,

/s/ Jeremy Silverfine

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Dated: 7/25/13

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent this day to those participants indicated as non-registered participants.

/s/ Jeremy Silverfine

Jeremy Silverfine, BBO #542779

Dated: 7/25/13